

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	PATENT APPLICATION
)	
Inventor: Leonard Felix, Andrew Ferlitsch))	
and Carl Straub)	
)	
Serial No.: 10/763,700)	Attorney Docket No.
)	SLA1478
Filed: January 23, 2004)	Examiner: McLean, Neil R.
)	Art Unit: 2625
Title: SYSTEM AND METHOD FOR)	Conf. No.: 7663
DE-SPOOLER JOB JOINING)	Customer No.: 55,286
)	

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
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REPLY BRIEF

This paper is a Reply Brief, responsive to an Examiner's Answer mailed on July 31. The underlying issue is the final rejection of claims in the above-referenced application.

REMARKS

The Examiner's Answer (Section 10, page 11) states that Nishikawa, as the primary reference, discloses recognizing print settings, so that a plurality of print jobs can be combined. The Answer states that Freeman, as the secondary reference, provides a performance analysis regarding the economic consideration of printing the already joined jobs. In traverse, it is noted that the claimed invention recites performs an analysis *before* the print jobs are joined. Alternately stated, Freeman cannot perform an analysis to compare the economy of joining jobs against the overhead associated with job joining - if the jobs have already been joined.

Further, the Answer appears to acknowledge that Freeman does not perform any kind of analysis based upon *economic* considerations. The Answer states that Freeman evaluates printing facilities and/or equipment to find equipment compatible with a user's printing needs. The Answer states (Section 10, second paragraph) that economic considerations refer to "the feasibility of printing a document/print job given the specific parameters that are to be evaluated." In traverse, it is noted that Webster's New Collegiate Dictionary defines "economy" as "thrifty and efficient use of material resources". The claims must be interpreted using the actual recited language. The redefinition of recited language or the use of terms considered to be similar by the Examiner cannot be used to create a linkage to references that otherwise have no relevance to the instant analysis. Finally, it should be noted that the analysis performed by Freeman has to do with matching print jobs to equipment. The claimed

invention recites an analysis concerned with job joining, not the matching of print jobs with printers.

The Examiner's Answer (page 12) states that the motivation to combine references stems from impediments incurred in the routine business practices of the printing industry, and that it would have been obvious to combine Freedman's job cost analysis with Nishikawa's print processing method. Since Nishikawa discloses a print system that converts the print instructions associated with an electronically formatted print job into an intermediate code for processing, the Applicant submits that there little motivation to combine Nishikawa's process with a system for selecting a printing facility. Perhaps the most important point to consider is that neither Nishikawa nor Freedman discusses the measurement of overhead associated with joining print jobs. Without the calculation of overhead, a determination cannot be made that a plurality of print jobs can be economically joined into a single print job. Without the calculation of job joining overhead, there is no suggestion that the references be modified in such as way as to make the claimed invention obvious.

In Section 10(a), under the subsection *Examiner's Response*, it states, "(t)he Examiner respectfully disagrees with respect to the Applicant's assertion that Nishikawa does not disclose performing a merger analysis and rendering the print job at a single imaging device", citing col. 2, ln. 64-67. In traverse, it is noted that the Applicant is being misquoted. The Applicant's assertion is that "Nishikawa does not disclose

performing a merger analysis to determine the economy of joining print jobs, or rendering the print job at a single imaging device.”

The issue is not whether Nishikawa discloses job joining. The merging of print jobs is well known, as described in the Background Section of the Applicant’s specification. The cited section of Nishikawa (col. 2, ln. 64-67) states that a “setting unifier” analyzes the print setting information of a plurality of print jobs when the “composition instructing unit” instructs the print jobs to be combined together so as to obtain one composed job. Thus, Nishikawa discloses the joining of jobs based upon an analysis of print settings.

More important is the Examiner’s acknowledgement that Nishikawa does not perform an analysis to determine the economy of joining print jobs (see Final Office Action, page 5). The Examiner’s Answer (page 11) also notes that the Freeman reference is being cited to support the limitation of a performance analysis based upon economic considerations. However, as noted above, Freeman does not perform a job joining analysis based upon economic considerations. Neither reference discloses a performance analysis to determine the economy of joining jobs. Neither reference discloses a means of determining the above-mentioned economy – the measuring of overhead associated with joining jobs. Without the determining of job joining economy, or the means of making such a determination, the claimed invention cannot be obvious.

Respectfully submitted,

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